

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE APPLICATION OF MING YANG,  
PETITIONER, FOR AN ORDER  
PURSUANT TO 28 U.S.C. § 1782 TO  
TAKE DISCOVERY FOR USE IN  
FOREIGN PROCEEDINGS, PURSUANT  
TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, OF RESPONDENT LEO  
GU, AS TRUSTEE OF THE GU FAMILY  
TRUST

Case No.19-mc-80191-VKD

**ORDER DENYING MOTION TO  
RELATE CASES**

Re: Dkt. No. 8

In this proceeding, applicant Ming Yang seeks an order pursuant to 28 U.S.C. § 1782 authorizing service of a subpoena for discovery from Leo Gu as Trustee of the Gu Family Trust (“Gu Trust”) for use in a proceeding before the Eastern Caribbean Supreme Court of the British Virgin Islands (“BVI Court”). Dkt. No. 1. On August 16, 2019, Mr. Yang filed a notice of related case in which he asks the Court to relate this case to a later filed proceeding captioned *In re Application of Ming Yang, Petitioner, for an Order Pursuant to 28 U.S.C. § 1782 to Take Discovery for Use in Foreign Proceedings, Pursuant to the Federal Rules of Civil Procedure, of Respondent Qiming Venture Partners*, Case No. 5:19-mc-80192-NC (N.D. Cal.) (“the Qiming Action”). Dkt. No. 8. The Court construes that notice as an administrative motion to relate the cases pursuant to Civil Local Rule 3-12(b). The Court denies the motion.

Mr. Yang filed his motion to relate cases only after receiving a favorable ruling in the Qiming Action. Compare Dkt. No. 8 (filed on August 16, 2019) with *In re Application of Ming Yang, Petitioner, for an Order Pursuant to 28 U.S.C. § 1782 to Take Discovery for Use in Foreign Proceedings, Pursuant to the Federal Rules of Civil Procedure, of Respondent Qiming Venture Partners* (“*In re Appl. of Ming Yang*”), No. 5:19-mc-80192-NC, Dkt. No. 2 (N.D. Cal. Aug. 15,


2019) (filed on August 15, 2019). Mr. Yang contends that both actions “concern substantially the same parties, property, transaction, or events” because they both seek discovery for use in the same foreign litigation before the BVI Court. Dkt. No. 8 at 1.

As Mr. Yang has already obtained the relief he seeks in this proceeding and in the Qiming Action with respect to his respective applications, relation of the cases at this point will not avoid any burden or duplication with respect to those applications. Civ. L.R. 3-12(a)(2); Dkt. No. 11; *In re Appl. of Ming Yang*, No. 5:19-mc-80192-NC, Dkt. No. 2 (N.D. Cal. Aug. 15, 2019). It is possible that the subpoena recipients—the Gu Trust and Qiming Ventures<sup>1</sup>—may challenge their respective subpoenas following service, resulting in additional motion practice before the Court. However, the resolution of any such disputes likely will depend on facts and circumstances specific to the Gu Trust or Qiming Ventures, respectively, and is unlikely to require duplication of effort by the Court.

Accordingly, for the reasons described above, Mr. Yang’s motion to relate cases is denied.

**IT IS SO ORDERED.**

Dated: August 19, 2019

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge

---

<sup>1</sup> The Court understands that the Gu Trust and Qiming Ventures are unrelated non-parties in the lawsuit Mr. Yang has filed in the BVI Court.